

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PHIL ROSEMANN, et al.)	
)	
Plaintiffs,)	
)	Cause No. 4:10CV-01165
v.)	
)	Demand for Jury Trial
MARTIN SIGILLITO and DOES 1)	
Through 50 inclusive,)	
)	
Defendants.)	

**SEPARATE RESPONSIVE PLEADING OF DEFENDANT
MARTIN SIGILLITO TO PLAINTIFFS' COMPLAINT**

COMES NOW Defendant, Martin T. Sigillito, and for his Responsive Pleading to
Plaintiffs' Complaint states and alleges as follows:

GENERAL OBJECTION AND INVOCATION OF PRIVILEGE

Defendant is invoking and asserting his right against self-incrimination guaranteed by the Fourteenth and Fifth Amendments to the United States Constitution and Article I, Section 19 of the Missouri Constitution. *See also, Rogers v. United States*, 340 U.S.367, 71 S. Ct. 438 (1951) and *Long v. Askren*, 874 S.W.2d 466 (Mo. App. W.D. 1994). Pursuant to the applicable law, Defendant will not invoke the privilege where a response to the specific allegation could not, as a matter of law, possibly tend to incriminate Defendant.

COUNT I

1. Defendant admits this Court has jurisdiction over claims filed under 18 U.S.C. Sections 1961 through 68 pursuant to 18 U.S.C. Section 1964(c) and 28 U.S.C. Section 1367(a). Because Defendant is invoking his privilege against self-incrimination as set forth above,

Defendant makes no further response to the allegations contained in this paragraph and respectfully submits the Court should thereby deem these allegations denied.

2. Defendant does not dispute that, based on the allegations alone, venue is proper in this Court but because Defendant is invoking his privilege against self-incrimination as set forth above, Defendant makes no further response to the allegations contained in this paragraph and respectfully submits the Court should thereby deem these allegations denied.

3. Defendant admits Defendant is an individual and citizen of the State of Missouri. Because Defendant is invoking his privilege against self-incrimination as set forth above, Defendant makes no further response to the allegations contained in this paragraph and respectfully submits the Court should thereby deem these allegations denied.

4. Because Defendant is invoking his privilege against self-incrimination as set forth above, Defendant makes no response to the allegations contained in this paragraph and respectfully submits the Court should thereby deem these allegations denied.

5. Because Defendant is invoking his privilege against self-incrimination as set forth above, Defendant makes no response to the allegations contained in this paragraph and respectfully submits the Court should thereby deem these allegations denied.

6. Defendant admits Defendant is an attorney. Defendant admits Defendant is a Bishop of what was once known as the American Anglican *Convocation*. Because Defendant is invoking his privilege against self-incrimination as set forth above, Defendant makes no further response to the allegations contained in this paragraph and respectfully submits the Court should thereby deem these allegations denied.

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WHEREFORE, having fully answered this Count of Plaintiffs' Complaint this Defendant prays he be dismissed and with costs or for the triers of fact to apportion fault between and among all parties hereto and for whatever other relief this Court deems appropriate.

COUNT II

84. Defendant repleads and realleges each response to each allegation contained in Paragraphs 1 through 83 as though fully set forth herein. Because Defendant is invoking his privilege against self-incrimination as set forth above, Defendant makes no further response to the allegations contained in this paragraph and respectfully submits the Court should thereby deem these allegations denied.

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WHEREFORE, having fully answered this Count of Plaintiffs' Complaint this Defendant prays he be dismissed and with costs or for the triers of fact to apportion fault between and among all parties hereto and for whatever other relief this Court deems appropriate.

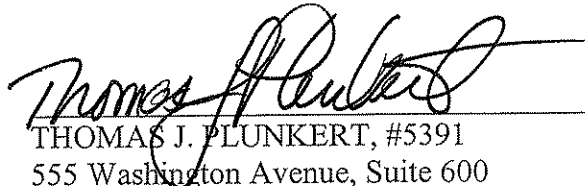
AFFIRMATIVE DEFENSES

FURTHER, and as affirmative defenses, Defendant states whatever damages, if any, were suffered by the Plaintiffs on the occasion described in their Complaint were the direct and proximate result of or were directly and proximately contributed to by the Plaintiffs in that Plaintiffs:

- A. Assumed the risk of these transactions; and
- B. Were contributorily negligent.

WHEREFORE, having fully answered Plaintiffs' Complaint this Defendant prays he be dismissed and with costs or for the triers of fact to apportion fault between and among all parties hereto and for whatever other relief this Court deems appropriate.

LERITZ, PLUNKERT & BRUNING, P.C.



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St. Louis, MO 63101
tplunkert@leritzlaw.com
(314) 231-9600
(314) 231-9480 (facsimile)

ATTORNEY FOR DEFENDANT
MARTIN T. SIGILLITO

CERTIFICATE OF SERVICE

The undersigned certifies a copy of the foregoing was delivered via electronically and U.S. Mail, postage prepaid, this 18th day of October, 2010 to:

Sebastian Rucci
Law Offices of Sebastian Rucci
401 E. Ocean Blvd., Suite 200
Long Beach, CA 90802

